

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Refugio, Sinton and Taft, Texas))

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MB Docket No. 04- ____
RM- ____

To: The Commission

AMENDMENT TO PETITION FOR RULE MAKING

Amigo Radio, Ltd. ("Amigo")¹ and Pacific Broadcasting of Missouri, LLC ("Pacific")² (collectively, the "Joint Petitioners"), pursuant to Sections 1.401 and 1.420(i) of the Commission's Rules and by their counsel, hereby submit this Amendment to Petition for Rule Making (the "Amendment"). This Amendment withdraws that portion of the pending rule making petition that proposes to change the community of license of vacant allotment Channel 263A from Refugio to Woodsboro, Texas. The remainder of the rule making petition that proposes a change in community of license of KOUL(FM) and modification of the operating condition on KTKY(FM) would remain unchanged. In support thereof, the following is hereby submitted.

On November 3, 2003, the Joint Petitioners filed a Petition for Rule Making (the "Petition") requesting that the Commission institute a rule making proceeding to: (1) reallocate Channel 279C1 from Sinton, Texas to Refugio, Texas and modify the community of license of station KOUL(FM) to operate on Channel 279C1 at Refugio; (2) modify the operating condition of KTKY(FM) to permit the station to commence program test authority ("PTA") on Channel 293C2 in Taft, Texas when KOUL(FM)

¹ Amigo is the licensee of KOUL(FM), Sinton, Texas.

² Pacific is the licensee of KTKY(FM), Taft, Texas.

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commences PTA in Refugio; and (3) reallocate Channel 263A from Refugio, Texas to Woodsboro, Texas. The proposed reallocations would provide a first local service to Woodsboro, expedite commencement of a first local service in Taft, and retain first local service in Refugio, Texas.

On April 15, 2004, the Commission released a Public Notice stating that on November 3, 2004, the FCC would proceed with an auction to award construction permits for more than 290 vacant FM allotments ("Auction 37").³ Channel 263A at Refugio is included among the list of vacant FM Allotments that would be part of Auction 37. Because Channel 263A at Refugio will be part of Auction 37, the Commission may be unwilling to proceed with the portion of this Petition that proposes to change the community of license for Channel 263A from Refugio to Woodsboro, Texas.


To avoid any delay, the Joint Petitioners are filing this amendment to withdraw from the Petition the proposal to change the community of license of Channel 263A at Refugio. The Joint Petitioners request that the Commission process the remainder of the Petition, which proposes changing the community of license for KOUL(FM) and modifying the conditions for when KTKY(FM) may commence operation in Taft, Texas. As discussed in the Petition, the proposed changes for KOUL(FM) and KTKY(FM) will serve the public interest because it will expedite a new first local service to the community of Taft and continue first local service to the communities of Refugio and Sinton, Texas. The Joint Petitioners renew their request for expedited processing of this rule making petition so that KTKY(FM) may resume operation of the station with full and dramatically approved facilities at Taft.

³ See DA 04-1020.

WHEREFORE, FOR THE FOREGOING REASONS, Amigo Radio, Ltd. and Pacific Broadcasting of Missouri, LLC respectfully request that the Commission issue a Notice of Proposed Rule Making and amend the FM Table of Allotments as follows: (1) reallocate Channel 279C1 from Sinton, Texas to Refugio, Texas and modify the license of station KOUL(FM) to operate on Channel 279C1 at Refugio; and (2) modify the operating condition for KTKY(FM) to permit the station to commence PTA on Channel 293C2 in Taft when KOUL(FM) commences PTA in Refugio. The Joint Petitioners reaffirm that they will timely file the necessary applications for construction permit and construct the facilities for each station.


Respectfully submitted,

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